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Donna A. Bradshaw

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TRANSCRIPT OF PROCEEDINGS

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

IN THE MATTER OF:

MM DOCKET NO. 93-127

JANICE M. SCANTLAND

ROBERT G. CASAGRANDE

Richwood, Ohio

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

DATE OF CONFERENCE: July 13, 1993

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FREE STATE REPORTING, INC.
Court Reporting Depositions
D.C. Area (301) 261-1902
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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the matter of:)
JANICE M. SCANTLAND) MM DOCKET NO. 93-127
ROBERT G. CASAGRANDE)
Richwood, Ohio)
-----)

The above-entitled matter came on for prehearing
conference pursuant to notice before Judge Arthur I.
Steinberg, Administrative Law Judge, at 2000 L Street, N.W.,
Washington, D.C., in Courtroom No. 3, on Tuesday, July 13,
1993 at 9:00 a.m.

APPEARANCES:

On behalf of Janice M. Scantland:

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Reddy, Begley and Martin
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On behalf of Robert G. Casagrande:

GENE BECHTEL, Esquire
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On behalf of the Mass Media Bureau:

NORMAN GOLDSTEIN, Esquire
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25	CONFERENCE BEGAN: 9:03 a.m.	CONFERENCE ENDED: 9:11 a.m.

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P R O C E E D I N G S

1
2 JUDGE STEINBERG: We're on the record. This is a
3 prehearing conference in MM Docket Number 93-127 involving
4 mutually exclusive applications for a construction permit for
5 a new FM station in Richwood, Ohio. The case was designated
6 for hearing on May 5, 1993. By order released May 11, 1993,
7 the chief administrative law judge assigned the case to me and
8 set the date of the hearing for September 21, 1993. On May

1 I have is a petition to enlarge issues filed on June 4, '93 by
2 Scantland, a supplement thereto filed on June 11th, and
3 erratum to the supplement filed on June 15th. Then there was
4 an opposition to petition to enlarge issues filed on July 6,
5 1993 by Casagrande and yesterday -- and Mr. Bechtel probably
6 doesn't have it yet -- there was a motion for leave to file
7 erratum to the opposition and then erratum which was filed by
8 Casagrande. A reply to the opposition is presently due to be
9 filed on July 16, 1993 and I just want to say that whenever
10 the pleading cycle is over and I get a chance to do it, I'll
11 do it and issue a ruling.

12 MR. BEGLEY: If I could interrupt you, Your Honor, I
13 may be able to make this a little briefer than it need be. We
14 have settled the case. We have reached a tentative settlement
15 yesterday. We haven't drawn up the papers as of yet, but the
16 settlement calls for the reimbursement of Mr. Casagrande by
17 Mrs. Scantland. We are preparing the papers right now and
18 hope to have them on file with you within I'd say a week at
19 the most. So for that reason, we'd like to request a deferral
20 of procedural dates at this time to give us some time to get
21 the motion on file.

22 And then there is one remaining matter. We have a
23 site issue that is still pending against us and we also hope
24 to be filing for motions for summary decision on that within
25 the next week.

1 JUDGE STEINBERG: Now, I granted you motion for
2 summary decision of the FAA issue.

3 MR. BEGLEY: That's correct.

4 JUDGE STEINBERG: And then the cite issue -- if I
5 remember, didn't you file an amendment and I accepted it?

6 MR. BEGLEY: Yes.

7 JUDGE STEINBERG: And then -- and so -- okay.

8 MR. BEGLEY: But I haven't filed a motion for
9 summary decision and I'm waiting for a declaration to come
10 back from the sale.

11 JUDGE STEINBERG: I guess that does kind of short
12 circuit everything. Any objection to that?

13 MR. GOLDSTEIN: No. Your Honor still has to rule on
14 the petitions to enlarge. I don't know if you want to have a
15 reply --

16 JUDGE STEINBERG: No, because they're against Mr.
17 Casagrande.

18 MR. GOLDSTEIN: It wasn't reciprocal?

19 JUDGE STEINBERG: No. And Mr. Casagrande's
20 apparently dismissing -- I was prepared today to rule on the
21 Casagrande motion for leave to amend, but I guess if I don't
22 have to issue a ruling, I won't.

23 MR. GOLDSTEIN: I would just urge you to read the
24 opposition for the pleasure of reading.

25 JUDGE STEINBERG: Let me -- and I've said this

1 before. I don't usually read the petitions to enlarge until I
2 have to rule on them because I don't want to -- I don't want
3 to fill brain cells that don't need to be filled at the
4 moment.

5 MR. GOLDSTEIN: When the case is settled. I thought
6 it was an interesting opposition. Forget the substance of it.

7 JUDGE STEINBERG: Maybe I'll -- maybe I'll read it
8 when we finish. Okay, so why don't we do this? What's July
9 16th -- anybody have a calendar? What's two weeks from July
10 16th?

11 MR. GOLDSTEIN: July 30th.

12 MR. BEGLEY: July 30th, right.

13 JUDGE STEINBERG: Let me -- let me -- basically on
14 my own motion -- I don't want to suspend all the procedural
15

1 JUDGE STEINBERG: -- tentatively July 20th and 21st,
2 but that's between you two. You can --

3 MR. BEGLEY: Right. There was also another matter
4 that we were working on that has a 15-day requirement running
5 on it.

6 JUDGE STEINBERG: What was that?

7 MR. BEGLEY: A motion to enlarge and I'd rather, of
8 course, not file that.

9 JUDGE STEINBERG: You mean you have another motion
10 to enlarge?

11 MR. BEGLEY: Another motion to enlarge, yeah.

12 JUDGE STEINBERG: Well --

13 MR. BEGLEY: And I'd like to put that off until
14 August. I, of course, don't expect that it would be
15 necessary, but I don't want to be sandbagged if -- in the
16 event that some-- it doesn't go forward.

17 JUDGE STEINBERG: Okay, so basically -- okay,
18 basically let me suspend the procedural dates until July 30th.
19 But you feel confident that you can file the papers within a
20 week or so.

21 MR. BEGLEY: Absolutely. I do.

22 MR. GOLDSTEIN: The summary decisions also?

23 MR. BECHTEL: This weekend.

24 MR. GOLDSTEIN: The summary decision and motion
25 also, do you think?

1 MR. BEGLEY: I hope so. The declaration is out
2 there. I'm waiting for it to come back any day now and I'll
3 do my best to get it in within a week. Unless the mails mess
4 me up somehow.

5 JUDGE STEINBERG: So July 30th to allow for the
6 filing of the petition —

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APPLICATIONS OF RICHWOOD, OHIO

Name

MM DOCKET NO. 93-127

Docket No.

WASHINGTON, D.C.

Place

JULY 13, 1993

Date

We, the undersigned, do hereby certify that the foregoing pages, numbers 1 through 8, inclusive, are the true, accurate and complete transcript prepared from the reporting by MARYKAE FLEISHMAN in attendance at the above identified proceeding, in accordance with applicable provisions of the current Federal Communications Commission's professional verbatim reporting and transcription Statement of Work and have verified the accuracy of the transcript by (1) comparing the typewritten transcript against the reporting or recording accomplished at the proceeding and (2) comparing the final proofed typewritten transcript against the reporting or recording accomplished at the proceeding.

July 20, 1993

Date

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July 21, 1993

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